IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 19947 of 1997

Between:

1 V. Pamulaiah Naidu S/o.Basavalingaiah Naidu,
R/o.Narasimhapuram, Varikuntapadu(M),
Nellore District.
2 V. Basavvaiah Naidu S/o.Basavalingaiah Naidu,
R/o.Narasimhapuram, Varinkuntapadu(M),
Nellore District.

..... PETITIONERS

AND

1 The Director of Settlements, Govt.of A.P., Hyderabad.
2 The Settlement Officer, cum Joint Collector,
Nellore, Nellore District.
3 The Mandal Revenue Officer, Varinkuntapadu(M), Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent vide proceedings R.P.nos.182/83 and 394/84 dt.5/7/1996 as illegal, arbitrary and against the principles of natural justice and to set aside the same.

Counsel for the Petitioner: MR.M.PRABHAKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

Heard the learned counsel.

This writ petition has been filed seeking to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent vide proceedings R.P.nos.182/83 and 394/84 dt.5/7/1996 as illegal, arbitrary and against the principles of natural justice and pass such other suitable orders.

The main grievance ventilated by the petitioners is that after lapse of five years from the date of rectification of the survey number by the Settlement Officer, the 3rd respondent filed R.P.Nos.182/83 and 394/84 before the 1st respondent for annulling the proceedings and notices were served on the writ petitioners and the matter had been adjourned on several occasions for want of records. However, the petitioners appeared before the 1st respondent and for various reasons the matter was adjourned. Finally, it was posted for hearing on 28-6-1996. On the said date, at about 10-30 A.M, when the 1st petitioner along with counsel went to the office of the 1st respondent, they were informed by the Clerk concerned that the 1st respondent was engaged in a meeting at Secretariat and therefore the case will be adjourned and the date will be intimated in due course. However, the 1st respondent passed the impugned order *ex parte* on the same day without hearing the arguments of the petitioners.

No counter affidavit is forthcoming denying these allegations. Even otherwise, the impugned order also does not disclose any specific or valid

reasons recorded by the said authority for disturbing the order questioned by way of revision

In view of the same, since reasonable opportunity had not been given, the impugned order is hereby set aside and the 1st respondent is directed to give reasonable opportunity to the petitioners and decide the matters afresh after hearing the parties in accordance with law.

The writ petition is accordingly disposed of. However, it is made clear that the status quo existing as on today to be maintained till the disposal of the proceedings by the 1st respondent. No costs.

20-12-2004

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To

1 The Director of Settlements, Govt.of A.P., Hyderabad.
2 The Settlement Officer, cum Joint Collector,
Nellore, Nellore District.
3 The Mandal Revenue Officer, Varinkuntapadu(M), Nellore District.

4 Two CCs to GP for Revenue, High Court buildings, Hyderabad (OUT)

5 Two CD copies.